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In re Application of:	:	
Carlsson et al.	:	
Application No.: 09/868,526	:	DECISION
PCT No.: PCT/SE99/02311	:	
Int. Filing Date: 10 December 1999	:	ON
Priority Date: 22 December 1998	:	
Atty. Docket No.: CU-2571	:	PETITION
For: Tool Handle	:	

This is in response to the renewed petition filed on 21 February 2007.

DISCUSSION

The instant petition is accompanied by an acceptable showing under 37 CFR 1.8(b); as such, it is considered as being a timely response to the Decision mailed on 11 January 2005. Petitioner's Deposit Account No. 12-0400 is being charged in the amount of \$1590.00 (Fee Code 1254) for a four-month extension of time under 37 CFR 1.136(a), as authorized by the instant petition.

Petition Under 37 CFR 1.137(b)

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding requirement (1), the required reply has not been submitted, as described below.

Requirements (2), (3) and (4) were satisfied previously.

Petition Under 37 CFR 1.47(a)

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Petitioner has already satisfied requirements (1), (2) and (3).

Regarding requirement (4), the instant renewed petition is accompanied by a declaration document which is signed on behalf of both non-signing inventor Jack Chalas and deceased inventor Stefan Carlsson by the legal representative of Stefan Carlsson. However, the first page of the declaration document filed on 21 February 2007 appears to have been omitted; therefore, it does not include all of the required statements, and it fails to properly identify the application to which it is directed. As such, requirement (4) has not yet been satisfied.

Submission Under 37 CFR 1.42

Review of the declaration of the inventors filed on 21 February 2007 reveals that it includes the citizenship, postal address and residence of both deceased inventor Stefan Carlsson and of Irene Elvingsson-Carlsson, who has signed on his behalf in the capacity of legal representative (as supported by her accompanying "Affidavit"). However, the first page of the declaration document filed on 21 February 2007 appears to have been omitted; therefore, it does not include all of the required statements, and it fails to properly identify the application to which it is directed. Hence, it would not be appropriate to accept the declaration under 37 CFR 1.42 at this time.

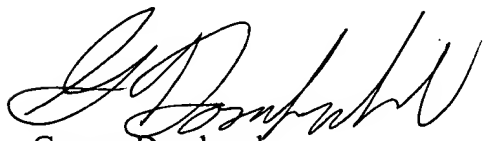
CONCLUSION

The petitions under 37 CFR 1.137(b) and 1.47(a) are **DISMISSED**, without prejudice.

The declaration is **NOT ACCEPTED** under 37 CFR 1.42, without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration



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